

### **REMARKS**

Claims 1-10 are pending. Claim 1 is amended to incorporate the subject matter of claim 9, and claim 9 is correspondingly canceled. Applicants submit all claims as 1-8 and 10 are in condition for allowance for at least the reasons set forth below.

Applicants note the Office Action Summary indicates return of Information Disclosure Statements PTO-1449, Paper Nos. 4 and 5. However, no forms PTO-1449 were enclosed with the Office Action of October 9, 2003. Applicants herein enclose a copy of the forms PTO-1449 filed March 20, 2002, and May 14, 2003, respectively, for the Examiner's convenience. The Examiner is respectfully requested to consider the references disclose therein, and acknowledge receipt and consideration by initialing the forms PTO-1449 and returning such initialed forms to Applicants.

Claims 1-10 have been rejected as allegedly obvious over U.S. Patent 6,284,198 to Kirollos et al. in view of U.S. Patent 4,668,714 to Morita et al. Applicants note that the Office Action recites section 35 U.S.C. §103(a), but makes the rejection over 35 U.S.C. §103(e). Applicants believe this to be a typographical error, and respond to the rejection as if under 35 U.S.C. §103(a). For at least the following reasons, Applicants traverse the rejection.

Kirollos et al. is directed to a dosimeter having a substrate 4 coated with an indicating layer 2 composed of a chemical formula capable of color change in the presence of a selected toxic gas or vapor. A warning symbol 8 can be placed directly on the indicating layer 2, or on an adjacent layer (*see* Figs. 4 and 7, respectively). Alternately, the indicating layer 2 can be formed on the substrate 4 in the shape of a warning symbol. The indicating layer 2, substrate 4, and optional warning signal 8 on any layer are enclosed within a hard polymeric case having a front cover 5 and a back cover 7. Kirollos et al. discloses that the warning mark or shaped indicating layer can appear as a universally identifiable hazard warning shape, or as alphanumeric text identifying the substance detected, as shown in Fig. 13. Morita et al. is directed to the formation of a molded dosimeter containing alanine in a rubber binder. The preparation of the alanine dosimeter is described.

Neither of the references discloses or suggests the formation, use, or practicality of an identification mark on a substrate on a region of a dosimeter support, as claimed by Applicants. Applicants' identification mark identifies the

source and/or origin of the dosimeter, for example, a unique dosimeter identification number, calibration information, manufacturing lot number, or the like (*see* page 3, lines 20-22, and page 7, lines 17-20). Such information is useful to identify the particular batch in which the dosimeter was made for calibration purposes. Each batch of dosimeters, or individual dosimeter, can have a different calibration because the response of the dosimeter to radiation is dependent on concentration of the alanine (*see* page 3, lines 12-18).

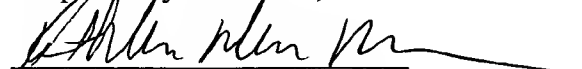
This difference in calibration between individual dosimeters is not appreciated by Kirollos et al. or Morita et al. Kirollos et al. specifically states that the concentration of the toxic gas or vapor can be determined by measuring the color intensity of the warning sign by visually matching the color intensity with a predetermined color scale, and relating it to exposure time (*see* col. 4, lines 28-34). However, because each dosimeter can be calibrated differently depending on the concentration of alanine and/or thickness of the alanine layer in the dosimeter, use of a single predetermined color scale can lead to inaccurate measurements of the level of toxic gas or vapor.

Further, neither Kirollos et al. nor Morita et al. disclose or suggest that an identification mark can be uncovered/revealed through the use of a laser. The applied references, alone or in combination, further fail to disclose or suggest application of the identification mark to a label (claims 3-6), or the use of a multi-part substrate having at least one dark colored layer (claims 6 and 7).

For at least the above reasons, neither reference discloses or suggests all of the subject matter of the claimed invention. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) of all claims 1-10 are in order.

Applicants submit all of claims 1-8 and 10 are in condition for allowance. Prompt and favorable action is thus respectfully requested. Should the Examiner have any questions, or require anything further, she is invited to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,



Attorney for Applicant(s)

Registration No. 40,101

Kathleen Neuner Manne/cak  
Rochester, NY 14650  
Telephone: 585-722-9225  
Facsimile: 585-477-1148